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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,603	08/28/2003	David H. Burkett	ACS 65356 (1747D)	8329

24201 7590 01/25/2006

FULWIDER PATTON
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES, CA 90045

EXAMINER	
HONG, JOHN C	

ART UNIT	PAPER NUMBER
3726	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,603	BURKETT, DAVID H.	
	Examiner	Art Unit	
	John C. Hong	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,18 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,18 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,4-6,9,12,13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams et al. (U.S. Patent 5341818) in view of Gambale et al. (U.S. Patent 5031636).

Abrams et al. teaches : Regarding Claims 1,4-6, a process for forming a small diameter elongated device(10) for use in a medical procedure comprising forming a male end (15) at an extremity of a first elongated member formed of a first continuous material; forming an extremity formed of a second continuous material, and permanently securing the male end of the first elongated member within the end of the second elongated member (Fig 1; col.6, line 64-col.6, line 16).

Abrams et al. fail to teach a female end at an extremity formed of the second material and securing the male end of the first elongated member within the female member end of the second elongated member.

Gambale et al. teach a female end at an extremity formed of the second material and securing the male end of the first elongated member within the female member end of the second elongated member (Fig. 1; col. 5, lines 61-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the male end (15) of Abrams et al. as the teaching of Gambale et al.

(reduced diametered tip 28) and also utilize the female end of the Gambale et al. to form a guide wire extended.

Regarding Claim(s) 9,12,13, a small diameter elongated device (10) for use in a medical procedure comprising a first elongated member having an extremity and a male end (15) and formed at the extremity, the first elongated member formed of a first continuous material, a second elongated member including second extremity, the second extremity of the second elongated member formed of a second continuous material, which is permanently secured with end of a second elongated member (Fig 1; col.6, line 64-col.6, line 16).

Abrams et al. fail the teach the second elongated member including a female end and the male end of first elongated member is secured within the female member.

Gambale et al. teach the second elongated member including a female end and the male end of first elongated member is secured within the female member (Fig. 1; col. 5, lines 61-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the male end (15) of Abrams et al. as the teaching of Gambale et al. (reduced diametered tip 28) and also utilize the female end of the Gambale et al. to form a guide wire extended.

Regarding Claim(s) 18, a guidewire (10) comprising an elongated proximal core portion including; a distal extremity; a distal core portion having a male end (15) disposed at the proximal extremity ; and a flexible member; wherein the male end is permanently secured with the flexible body member disposed about and secured to the distal core portion (Fig 1; col.6, line 64-col.6, line 16).

Abrams et al. fail to teach a guide wire including a distal extremity and having a female end (13) disposed at the distal extremity, the proximal core portion and female end formed from a first continuous material and the male end is secured within the female end.

Gambale et al. teach a guide wire including a distal extremity and having a female end (13) disposed at the distal extremity, the proximal core portion and female end formed from a first continuous material and the male end is secured within the female end (Fig. 1; col. 5, lines 61-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the male end (15) of Abrams et al. as the teaching of Gambale et al. (reduced diametered tip 28) and also utilize the female end of the Gambale et al. to form a guide wire extended.

Regarding Claim(s) 19, Abrams et al. teach ; a process for constructing a guide wire, comprising: providing an elongated proximal core portion including a distal extremity and having a male end (15) disposed at the distal extremity, the proximal core portion being formed from a first continuous material including stainless steel; providing a distal core portion including a proximal extremity; and permanently securing male end with the distal core portion and disposing the flexible body member about the distal core portion.

Abrams et al. fail to teach the step of providing a distal core portion having a female end with a predetermined depth disposed at the proximal extremity and permanently securing the male end within the female end.

Gambale et al. teach the steps of providing a distal core portion having a female end with a predetermined depth disposed at the proximal extremity and permanently securing the male end within the female end(Fig. 1; col. 5, lines 61-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the steps of providing a distal core portion having a female end with a predetermined depth disposed at the proximal extremity and permanently securing the male end within the female end, as taught by Gambale et al. on the process of Abrams so as to form a guide wire extended.

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham, 2 USPQ 2d 1647 (1987).*

3. Claims 2,3,7,8,10,11,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams et al. /Gambale et al.

Abrams et al./Gambale et al. teach the limitations except the steps of : forming hole by electrical discharge machine; laser drilling; plunge grinding; securing by soldering, welding, gluing

But the steps of : forming hole by electrical discharge machine; laser drilling; plunge grinding; securing by soldering, welding, gluing are well known in the art and It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the above well known method on the process of Abrams et al./Gambale et al. so as to manufacture more flexible guidewire.

Response to Arguments

3. Applicant's arguments with respect to claims 1-15,18 and 19 have been considered but are moot in view of the new ground(s) of rejection. See the new Office action.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John C. Hong
Primary Examiner
Art Unit 3726

jh
January 23, 2006